

**UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

IN RE DESKTOP METAL, INC.  
DERIVATIVE LITIGATION

Lead Case No. 22-962-GBW  
(Consolidated)

**STIPULATION AND [PROPOSED] ORDER VOLUNTARILY DISMISSING ACTION  
PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 23.1 AND 41**

Plaintiffs Michael Cherry, Denish Bhavsar, and Samhita Gera (“Plaintiffs”); Nominal Defendant Desktop Metal, Inc. (“Desktop Metal”); and Defendants Ric Fulop, James Haley, Ali El Siblani, Bilal Zuberi, Dayna Grayson, James Eisenstein, Jeff Immelt, Leo Hindery, Jr., Scott Dussault, Stephen Nigro, Steve Papa, Wen Hsieh, Byron Knight, and Andy Wheeler (collectively, the “Individual Defendants,” and together with Desktop Metal, the “Defendants”), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on July 22, 2022, plaintiff Michael Cherry filed a verified stockholder derivative complaint on behalf of Desktop Metal against certain of the Individual Defendants;

WHEREAS, on December 1, 2022, the parties to the *Cherry* Action filed a stipulation to stay that action pending resolution of any motions to dismiss and the exhaustion of all related appeals in the related securities class action captioned *Luongo v. Desktop Metal*, Case No. 21-cv-12099-IT (D. Mass.), which was granted;

WHEREAS, on November 21, 2023, plaintiffs Denish Bhavsar and Samhita Gera filed a verified stockholder derivative complaint against the Individual Defendants (the “*Bhavsar* Action”);

WHEREAS, the *Bhavsar* Action was consolidated with the *Cherry* Action on January 9, 2024;

WHEREAS, on September 20, 2023, the court dismissed the Securities Class Action, and on October 28, 2024, the United States Court of Appeals for the First Circuit affirmed the dismissal;

WHEREAS, on October 3, 2024, Desktop Metal stockholders approved an all-cash merger, pursuant to which Desktop Metal would be acquired by Nano Dimension;

WHEREAS, due to the dismissal of the Securities Class Action and the anticipated acquisition of Desktop Metal that would extinguish Plaintiffs' derivative standing, Plaintiffs wish to voluntarily dismiss the Consolidated Action pursuant to Rules 23.1(c) and 41(a) of the Federal Rules of Civil Procedure, without prejudice;

WHEREAS, the Parties agree that the dismissal is not, and shall not be deemed to be, an adjudication of the Consolidated Action on the merits, and that each Party shall bear its own fees and costs incurred in connection with the Consolidated Action; and

WHEREAS, the Parties agree and respectfully submit that notice to stockholders of this dismissal is unnecessary here because: (i) the dismissal is without prejudice to the ability of Plaintiffs, Desktop Metal stockholders, or Desktop Metal itself, to pursue the claims; (ii) there has been no settlement or compromise of the Consolidated Action; (iii) there has been no collusion among the Parties; and (iv) neither Plaintiffs nor their counsel have received or will receive directly or indirectly any consideration from Defendants for the dismissal.

NOW, THEREFORE, the Parties hereby stipulate and agree, subject to the Court's approval, as follows:

1. This Consolidated Action shall be dismissed without prejudice; and
2. The Parties shall bear their own fees and costs.

Dated: January 21, 2025

Respectfully submitted,

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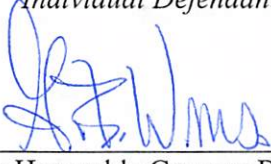
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*Attorneys for Desktop Metal Inc. and the  
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**IT IS SO ORDERED.**

DATED: January 22, 2025

  
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The Honorable Gregory B. Williams  
United States District Judge